

Nancy Hartley v. Weirton Health Partners, et al.

Deposition of Tammy M. Provenzano, RN - 2/26/2010

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

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WEIRTON HEALTH PARTNERS, LLC.,)

Plaintiff,)

vs.)

GABRIELLE YATES,)

Defendant.)

Civil Action No.

5:09-CV-40

Deposition of TAMMY M. PROVENZANO, RN

Friday, February 26, 2010

The deposition of TAMMY M. PROVENZANO, RN, called for examination by Plaintiff Nancy Hartley, taken pursuant to Notice and the Federal Rules of Civil Procedure pertaining to the taking of depositions, before me, the undersigned, Jackie J. Buckmaster, Court Reporter/Commissioner in and for the State of West Virginia, at the law offices of Schrader, Byrd & Companion, The Maxwell Centre, 32 - 20th Street, Wheeling, West Virginia 26003, commencing at 10:04 a.m. on the day and date above set forth.

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EXHIBIT

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<p>1 on residents. Little things here and there, 2 you know, residents arguing in the dining 3 room, you know, like, you just handle it on a 4 daily basis, but there -- for the most part 5 this would be something that I would document 6 as a nurse. 7 Q. Okay. Do I take it, then, that the 8 little things don't necessarily have to be 9 documented, but if it's something that's 10 considered to be important or unusual, those 11 are the kinds of things that should be 12 documented? 13 A. Yes. 14 Q. This would have been, at least in your 15 mind, considered important and unusual and, 16 therefore, should be documented? 17 A. Right. 18 Q. Okay. Now, after this incident of 19 July 22nd of 2008, did anybody call, whom 20 you know of, Eula's Stoll's daughter, to 21 advise the daughter -- and I think her name 22 was Ellen Hughes -- 23 A. Yes. 24 Q. -- to advise the daughter that this</p>	<p>1 totally okay with this. I mean, I'm 2 ad-libbing here. I don't know the specifics. 3 Q. That's fine. 4 A. She was okay with the situation, that 5 she was happy that her mother has found 6 someone that she could love while she lived at 7 the Wyngate and she was happy to know that her 8 mother was, you know -- she hoped that her 9 mother would be happy. 10 And it was not a negative thing in the 11 conversation. I mean, she did not appear 12 that -- in her mind that it was a negative 13 reporting from me. And I doc -- from what I 14 believe, I documented what she told me and 15 that, you know, she was okay with it. 16 Q. Okay. Do you recall whether or not she 17 said anything to the effect that, it's okay if 18 my mom is friendly with Mr. Degenkolb, but I 19 don't want her in his bed in his room? 20 A. We did not discuss intercourse, sexual 21 contact, things like that. I said to her -- 22 it was brought up that -- Eula's room was a 23 couple doors down the hall from Bob's. 24 Q. Right.</p>
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<p>1 particular incident had taken place, that 2 being that her mother was found in 3 Mr. Degenkolb's bed and he had his arms around 4 her and was kissing her in his bed? 5 A. I called her that -- I believe it was 6 this next day that, you know -- the day that I 7 was told about the situation. 8 Q. So you have a recollection, then, of 9 calling her on July 22nd, maybe July 23rd, 10 in that general time frame? 11 A. I'm terrible with dates, but, yes, I did 12 call her, and I believe it was the same day 13 that it was reported to me. 14 Q. Okay. Tell me in as much detail as you 15 can recall what you said and what she said 16 about this. 17 A. I called her to report what was told to 18 me, that Eula was found in Bob's bed on top of 19 the covers, they were fully dressed and he had 20 his arms around her and he was kissing her. 21 She, in turn -- I didn't know what to 22 expect, you know. She, in turn, told me that 23 she had done a lot of research on Alzheimer's, 24 her mother had Alzheimer's and that she was</p>	<p>1 A. And it was toward the end of a long 2 hall. And she asked if -- or it came up that 3 Eula had an alarm system on her door to her 4 room, which I was not aware of. I don't 5 remember any alarms ever going off when she 6 exited or entered her room. 7 The daughter brought it to my attention. 8 I asked the staff member -- I don't know if it 9 was during the conversation on the phone. I 10 believe there was a nurse there. I might have 11 asked her if we had this alarm system set up 12 on the bedroom door of Eula's, and they said 13 it had been disarmed [sic], it wasn't in 14 use. 15 Q. Okay. 16 A. The daughter didn't -- was not aware of 17 that at the time. And, anyway, we discussed 18 the alarm. We discussed that what we would do 19 in the future from that point on, when I was 20 talking with the daughter, was if Eula was 21 found in Bob's room -- we would monitor Eula 22 and try to avoid a situation where they would 23 have to be alone. 24 If she were found in Bob's room, we --</p>

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<p>1 the staff, whoever found her, would try not to</p> <p>2 upset her in any way. Alzheimer's patients</p> <p>3 can get upset or agitated easily, so they</p> <p>4 would try not to upset her and just redirect</p> <p>5 her back to her own room and try to stop any</p> <p>6 further incidents from occurring.</p> <p>7 That was pretty -- pretty much what I</p> <p>8 got from the conversation with the daughter.</p> <p>9 She agreed to that. She did not want her</p> <p>10 mother being upset in any way.</p> <p>11 She said, "That's fine."</p> <p>12 And I explained to her that Eula's room</p> <p>13 was so close to Bob's and that there were a</p> <p>14 lot of times when she could wander down to his</p> <p>15 room because the staff -- it wasn't a</p> <p>16 one-on-one type of monitoring situation.</p> <p>17 The daughter agreed. We were in</p> <p>18 agreement that that could happen, but the</p> <p>19 staff would just redirect her back to her own</p> <p>20 room and try not to upset her in any way.</p> <p>21 Q. I'm trying to understand what you just</p> <p>22 said.</p> <p>23 If the staff found Eula in Bob's room,</p> <p>24 they would gently try to redirect her to her</p>	<p>1 with Bob alone in his room or anywhere, for</p> <p>2 that matter, that we would just redirect her</p> <p>3 back to her own room.</p> <p>4 Q. And do it in a gentle way as not to</p> <p>5 upset --</p> <p>6 A. Right.</p> <p>7 Q. -- Eula?</p> <p>8 A. Right.</p> <p>9 Q. Okay. Did anybody talk to Bob? Did</p> <p>10 anybody go to Bob and say, Bob, what's going</p> <p>11 on here? You're spending a lot of time with</p> <p>12 Eula Stoll, and you're a man who apparently</p> <p>13 still has his mind, is still competent, who</p> <p>14 knows what's going on --</p> <p>15 A. I talked to Bob.</p> <p>16 Q. -- and Eula - is moderately to</p> <p>17 severely debilitated because of her</p> <p>18 Alzheimer's disease. What's going on?</p> <p>19 Did anybody --</p> <p>20 MS. ABBOTT: Objection to form.</p> <p>21 BY MR. DUFF:</p> <p>22 Q. -- have that conversation with Bob?</p> <p>23 A. I spoke to Bob about it.</p> <p>24 Q. Okay. Would you tell me what he said</p>
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<p>1 room --</p> <p>2 A. Right.</p> <p>3 Q. -- or somewhere else in the facility;</p> <p>4 is --</p> <p>5 A. Right.</p> <p>6 Q. -- that correct? That was okay with</p> <p>7 Ellen?</p> <p>8 In other words, she didn't have a</p> <p>9 problem with Mr. Degenkolb spending time with</p> <p>10 her mother --</p> <p>11 A. Correct.</p> <p>12 Q. -- but the understanding was that Eula</p> <p>13 would be redirected out of his room --</p> <p>14 A. Right.</p> <p>15 Q. -- by the staff if that were to occur?</p> <p>16 A. Right. And it --</p> <p>17 Q. Is that a fair way of summarizing it?</p> <p>18 A. Yes. And it did not come up in the</p> <p>19 conversation with her anything about if they</p> <p>20 were found having sex or if, you know -- if</p> <p>21 there were any kind of sexual contact or</p> <p>22 nudity or anything like that. None of that</p> <p>23 came up in the conversation.</p> <p>24 It was just if we -- the staff found her</p>	<p>1 and what you said in that conversation.</p> <p>2 A. From what I -- from what I can remember,</p> <p>3 I spoke to him privately and, you know,</p> <p>4 brought up the fact that, you know, the staff</p> <p>5 has noticed that he's been spending time with</p> <p>6 Eula. They often held hands in the dining</p> <p>7 room. They sat together a lot, and he would,</p> <p>8 you know, walk with her and hold her hand or</p> <p>9 her arm.</p> <p>10 And I just let him be aware that the</p> <p>11 staff was aware that they were developing this</p> <p>12 relationship, and I wanted to find out from</p> <p>13 him what his intent was, you know.</p> <p>14 I discussed it with him, and I said, you</p> <p>15 know -- you know, I pretty much said -- told</p> <p>16 him that I didn't want to see him taking</p> <p>17 advantage of Eula.</p> <p>18 And he said he would never do that. He</p> <p>19 agreed, you know. "I will never do that."</p> <p>20 Q. Was that charted anywhere, do you</p> <p>21 recall, that conversation?</p> <p>22 A. You know what? I don't believe I wrote</p> <p>23 that down. I don't remember. I don't think I</p> <p>24 did.</p>